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former. *Telegraph Co. v. Speight* (1920), — Sup. Ct. Rep. —. In *Watson v. Telegraph Co.* (N. C., 1919), 101 S. E. 81, the court held that a message like that in the instant case was not interstate, where the mode of transmission was not the usual and customary one, but was adopted to evade state laws. As a curb on fraud this view may be desirable. As a practical matter we must consider facts, not motives. *Telegraph Co. v. Mahone*, 120 Va. 422. The fact must be tested by the actual transaction, and the transmission of a message through two states is actually interstate commerce. *Kirkmeyer v. State of Kansas*, 236 U. S. 568, 59 L. Ed. 721. From the beginning state courts, jealous of the power of their own commonwealths, have naturally leaned towards the intrastate view. While the United States Supreme Court, as naturally, is inclined to enlarge the scope of federal authority. The general tendency of the last ten years has been to enlarge federal control in these fields. See in this connection 16 MICH. L. REV. 379.

TRIAL—COERCION OF JURY REVERSIBLE ERROR.—In a prosecution for violation of the Prohibition Act, the jury reported that they were unable to agree. The court instructed the jurymen that, should they be unable to arrive at a verdict, it would be necessary for the court to discharge them for the remainder of the term. On appeal of the defendant from the conviction, it was held, that such an instruction made for the purpose of coercing a jury is reversible error. *People v. Strzempkowski* (Mich., 1920), 178 N. W. 771.

The court may properly urge upon the jury the necessity of their coming to a verdict. *Pierce v. Rehfuss*, 35 Mich. 53; *White v. Calder*, 35 N. Y. 183. As a reason for this necessity, the court may advance the expense to the state of a retrial, *Kelly et al. v. Doremus et al.*, 75 Mich. 147 (but see *Railway Co. v. Bazber* (Tex.), 209 S. W. 394, 17 MICH. L. REV. 607); or the expense to the parties, *Pierce v. Rehfuss, supra*; or the length of time expended on the case at the present trial, *Shely v. Shely*, 20 Ky. Law Rep. 1021; *Knickerbocker Ice Co. v. Penn. R. Co.*, 253 Pa. 54. But it is not proper to coerce the jury to arrive at a verdict, either by threatening to keep them without food, *Hancock v. Elam*, 62 Tenn. 33; or suggesting the incompetence of the minority of the jury, *Twiss v. Lehigh Valley Ry. Co.*, 61 N. Y. App. Div. 286; or by threat to discharge. *People v. Strzempkowski, supra*. The line of demarcation seems to be between using reasonable means to urge the jury to arrive at a verdict, *White v. Fulton*, 68 Ga. 511, and threats for the purpose of coercing them, *Hancock v. Elam, supra*. However, it is possible that the court, in the principal case, misconceived the anxiety which a jury might have on being threatened with discharge for the remainder of the term.

TROVER AND CONVERSION—MEASURE OF DAMAGES FOR CONVERSION OF TIMBER.—Trees were unlawfully, but not willfully, cut, and the cut timber converted. Held, the measure of recovery in trover is the value of the timber at the time and place of conversion, with interest, with no deductions for labor performed upon the timber anterior to the consummation of the conversion by actual removal. *West Yellow Pine Co. v. Stephens* (Fla., 1920), 86 So. 241.